

**MONDAY, APRIL 14, 1997**

**TWENTY-NINTH LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Harold Middlebrook, Canaan Baptist Church, Knoxville, Tennessee.

Representative Armstrong led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present .....96

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Brown; business reasons

Representative Garrett; personal reasons

Representative Huskey; personal reasons

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1062:** Rep(s). Patton, Sands, Boyer, Turner (Hamilton), McDaniel, as prime sponsor(s).

**House Bill No. 1063:** Rep(s). Hood, Boyer, Patton, McDaniel, Stulce, Haley and Eckles as prime sponsor(s).

**House Bill No. 1107:** Rep(s). Givens and Bone as prime sponsor(s).

**House Bill No. 1332:** Rep(s). Givens and Pruitt as prime sponsor(s).

**House Bill No. 1335:** Rep(s). Givens and Goins as prime sponsor(s).

**House Bill No. 1495:** Rep(s). Godsey, Langster, Walley, Goins, Bittle, Hood, Kent, Eckles, U. Jones, Cole (Carter), White, McDonald, Turner (Hamilton), Boyer, Boner, Cooper, Buck, Ridgeway, Maddox, Cross, Pinion, Phillips and Mumpower as prime sponsor(s).

**House Bill No. 1825:** Rep(s). Jackson and Givens as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**April 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 904; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 923; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 14, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 188 and 189; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 188** -- Memorials, Heroism - James D. Horner, Wilson County Sheriffs Deputy. by \*Rochelle.

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**Senate Joint Resolution No. 189** -- Memorials, Heroism - Johnny Freeman, Wilson County Sheriff's Deputy. by \*Rochelle.

**PERSONAL ORDERS  
BILLS WITHDRAWN**

On motion of Rep. Phelan, **House Bill No. 1965** was withdrawn from today's Consent Calendar and from the House.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Resolution No. 55** -- General Assembly, Review Or Ratification of Rules - Approves change in component of basic education program formula; Senate Resolution on same. by \*Davidson, \*Rhinehart, \*Winningham.

Education Committee

**\*House Joint Resolution No. 182** -- General Assembly, Studies - Directs select oversight committee on children and youth, together with selected members of the senate and house judiciary committees and the house children and family affairs committee to perform comprehensive review and evaluation of Tennessee's system of juvenile justice. by \*Brown.

Children & Family Affairs Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 16, 1997:

**House Joint Resolution No. 189** -- Memorials, Death - Bill Hyde. by \*Newton.

**House Joint Resolution No. 190** -- Memorials, Public Service - Leon H. Shoulders, Sumner County Commission. by \*McDonald, \*Bone, \*Stamps.

**House Joint Resolution No. 191** -- Memorials, Personal Occasion - Gallatin High School, 40th class reunion. by \*McDonald, \*Stamps.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 16, 1997:

**Senate Joint Resolution No. 188** -- Memorials, Heroism - James D. Horner, Wilson County Sheriffs Deputy. by \*Rochelle.

**Senate Joint Resolution No. 189** -- Memorials, Heroism - Johnny Freeman, Wilson County Sheriff's Deputy. by \*Rochelle.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**Senate Joint Resolution No. 160** -- Naming and Designating - "Police Memorial Day," May 14, 1997, "Police Memorial Week," May 11-17, 1997. by \*Burks, \*Kyle, \*Womack, \*Herron, \*Rochelle, \*Gilbert, \*Graves, \*McNally.

Calendar & Rules Committee

**DELAYED BILLS REFERRED  
April 14, 1997**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1973, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 1973** -- Agriculture - Exempts from agricultural regulatory fees nursery and plant dealers having annual sales of less than \$2,500. Amends TCA Section 43-1-703. by \*McKee.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 180** -- Election Laws - Prohibits county election commission from permitting inspection of public record containing social security number to any person other than holder of number unless record is redacted. Amends TCA Title 2, Chapter 2. by \*Fowler. (HB422)

**\*Senate Bill No. 281** -- Penal and Reformatory Institutions - Creates offense for law enforcement or correctional officer to engage in sexual contact with prisoner or inmate; violation is Class A misdemeanor. Amends TCA Title 39 and Title 41. by \*Haun. (HB1843)

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**\*Senate Bill No. 340** -- Lobbying, Lobbyists - Deletes requirement that lobbying reports be sworn report; extends period for filing supplementary report from January 10 to January 31; extends filing date for registering with registry of election finance from five to ten days after becoming lobbyist. Amends TCA Section 3-6-105; Section 3-6-106; Section 3-6-107 and Section 3-6-104. by \*Haynes. (HB1001)

**\*Senate Bill No. 405** -- Education - Requires commissioner of education to annually report certain information pertaining to student suspensions, expulsions and dropouts; requires certain local education agencies to develop and implement plans of action to reduce number of African American dropouts. Amends TCA Title 49, Chapter 1, Part 2. by \*Dixon, \*Harper. (HB1082)

**Senate Bill No. 544** -- Taxes, Privilege - Imposes taxes in same amount and manner as any repealed federal taxes, revenue to go to highway trust fund Amends TCA Title 67. by \*Haun, \*Haynes, \*Elsea, \*Henry. (\*HB442)

**\*Senate Bill No. 1077** -- Pensions and Retirement Benefits - Establishes schedule of premium payment percentages for retirees participating in state employee group insurance plan. Amends TCA Title 8, Chapter 27, Part 2. by \*Haynes, \*McNally. (HB1514)

**Senate Bill No. 1588** -- Taxes, Real Property - Applies present use valuation under homebelt law to counties having metropolitan government for owners who have occupied residential property for 25 or more years which is zoned for commercial use; expands application to persons to whom current owner is lineal descendent. Amends TCA Section 67-5-601. by \*Henry. (\*HB628)

**\*Senate Bill No. 1720** -- Architects and Engineers - Exempts from sales tax models created by architects, engineers, landscape architects and interior designers used in development of prototype. Amends TCA Title 67, Chapter 6, Part 3. by \*Crowe, \*Gilbert. (HB1737)

**Senate Bill No. 1813** -- Alcoholic Beverages - Permits bed and breakfast establishments in arts districts in four largest cities to obtain liquor by the drink license. Amends TCA Section 57-4-102. by \*Crutchfield. (\*HB1725)

**\*Senate Bill No. 1817** -- Industrial Development - Deletes requirement, concerning industrial development corporations, that amount payable in lieu of taxes by hotel and motel lessees ten years after completion of project on leased property shall be not less than ad valorem taxes otherwise due and payable on current fair market value of property. Amends TCA Title 7, Chapter 53, Part 3. by \*Ford J. (HB1912)

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1967** -- Townsend -- Local Bill Held on House Desk

**CAPTION BILLS REFERRED**  
**April 14, 1997**

Pursuant to **Rule No. 47**, the following Caption Bill(s), 352, 387, 422, 740, 745, 790, 983, 1147 and 1606 held on the Clerk's desk were referred to the following Committee(s):

**\*House Bill No. 352** -- Hospitals and Health Care Facilities -- House Government Operations Committee

**\*House Bill No. 387** -- Criminal Offenses -- House Commerce Committee

**House Bill No. 422** -- Election Laws -- House State & Local Government Committee

**\*House Bill No. 740** -- Drug and Alcohol Rehabilitation -- House Health & Human Resources Committee

**House Bill No. 745** -- Drug and Alcohol Rehabilitation -- House Commerce Committee

**House Bill No. 790** -- Private Protective Services -- House Judiciary Committee

**House Bill No. 983** -- Criminal Offenses -- House Judiciary Committee

**House Bill No. 1147** -- Motor Vehicles, Titling and Registration -- House Transportation Committee

**House Bill No. 1606** -- Hospitals and Health Care Facilities -- House Health & Human Resources Committee

**CONSENT CALENDAR**

**House Bill No. 9** -- Election Laws - Grants officer of elections discretion to move physically disabled voter to front of line at polling place Amends TCA Section 2-7-116. by \*Halteman Harwell. (\*SB8 by \*Henry, \*Miller J, \*Harper)

On motion, House Bill No. 9 was made to conform with **Senate Bill No. 8**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 560** -- Highway Signs - "PFC. Dwight Leonard Guinn Memorial Overlook," scenic overlook on I-181, Clear Branch community, Unicoi County. by \*Whitson. (SB1146 by \*Haun)

**House Bill No. 974** -- Architects and Engineers - Deletes requirement that practical experience as engineer must be obtained after graduation from school approved by board of examiners for architects and engineers; provides that pre-graduation engineering experience will apply. Amends TCA Section 62-2-401. by \*Garrett. (\*SB438 by \*Haynes)

On motion, House Bill No. 974 was made to conform with **Senate Bill No. 438**; the Senate Bill was substituted for the House Bill.

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**House Bill No. 976** -- Architects and Engineers - Authorizes state board of examiners for architects and engineers to waive education and experience requirements not required at time of original registration for persons whose certification has lapsed longer than six months. Amends TCA Section 62-2-307. by \*Garrett. (\*SB435 by \*Haynes)

On motion, House Bill No. 976 was made to conform with **Senate Bill No. 435** the Senate Bill was substituted for the House Bill.

**House Bill No. 977** -- Architects and Engineers - Requires state board of examiners for architects and engineers to print annual roster, instead of on April 30, of all registered architects, engineers, landscape architects and registered interior designers. Amends TCA Section 62-2-207. by \*Garrett. (\*SB436 by \*Haynes)

On motion, House Bill No. 977 was made to conform with **Senate Bill No. 436**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1092** -- Highway Signs - "Charles Hall Bridge," S.R. 165, Monroe County. by \*McKee. (\*SB1273 by \*Miller J)

On motion, House Bill No. 1092 was made to conform with **Senate Bill No. 1273**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1106** -- Health - Authorizes home care organizations to require person applying for employment or as volunteer to provide criminal history records or fingerprint samples, to be checked by TBI. Amends TCA Section 38-6-114 and Title 68, Chapter 11, Part 2. by \*McAfee. (\*SB1537 by \*Crutchfield)

**\*House Bill No. 1259** -- Hospitals and Health Care Facilities - Makes non-relocating health care practitioners eligible for "health resource shortage areas" incentive program; directs program's development to regional health council chosen by department of health. Amends TCA Section 66-29-151. by \*Clabough, \*Newton, \*Haley, \*Pleasant, \*Stamps, \*McDaniel, \*Walley, \*Ford S, \*Wood, \*Patton, \*Kerr, \*Beavers, \*Kent, \*Bird, \*McKee, \*Sargent, \*Scroggs, \*Godsey, \*Goins, \*Walker, \*McAfee, \*Mumpower, \*Roach, \*Boyer. (SB1678 by \*Miller J, \*Williams, \*Elsea, \*McNally, \*Atchley, \*Person, \*Koella, \*Haun, \*Carter, \*Ramsey, \*Leatherwood, \*Gilbert, \*Fowler)

**House Bill No. 1658** -- Osteopathy - Expands authority of board of osteopathic examination to assess costs directly related to prosecution of case against licensee or person, if following final order after disciplinary contested case hearing, finding issued that licensee or other person violated provision of TCA 63-9-111. Amends TCA Section 63-9-111. by \*Lewis. (\*SB1402 by \*Haun)

**\*House Bill No. 1749** -- Sports - Requires sports agent permits to be renewed annually at cost of \$100; requires applications for sports agent permits to include fee of \$50.00 for each additional sports agent permit requested. Amends TCA Title 49, Chapter 7, Part 21. by \*Sharp. (SB1825 by \*Gilbert, \*Carter, \*Womack)

On motion, House Bill No. 1749 was made to conform with **Senate Bill No. 1825** the Senate Bill was substituted for the House Bill.

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**House Bill No. 1791** -- Taxes, Real Property - Creates property tax exemption for certain assisted living facility for aged owned by not-for-profit organization whose residents are very low and low income persons. Amends TCA Title 67, Chapter 5, Part 2. by \*McDonald. (\*SB1778 by \*Graves)

**House Bill No. 1960** -- Jonesborough - Subject to local approval, revises charter. Amends Chapter 135, Acts of 1903, as amended. by \*Patton. (SB1966 by \*Crowe)

**House Bill No. 1962** -- Jonesborough - Subject to local approval, removes requirement that board of mayor and aldermen exercise powers only by ordinance. Amends Chapter 135 of the Acts of 1903; as amended. by \*Patton. (SB1968 by \*Crowe)

**House Bill No. 1963** -- Greene County - Subject to local approval, increases litigation tax from \$5.00 to \$10.00. Amends Chapter 155 of the Private Acts of 1996. by \*Whitson, \*Davis R. (SB1971 by \*Haun)

**House Bill No. 1965** -- School Districts, Special - Sets June 1997 as time of election of board of trustees of Kenton Special School District instead of August 1998 to coincide with Kenton city elections. Amends Chapter 84 of the Public Acts of 1947. by \*Phelan. (SB1972 by \*Carter)

**House Bill No. 1966** -- Rockwood - Subject to local approval, establishes civil service system. by \*Ferguson. (SB1970 by \*Davis L)

**House Joint Resolution No. 183** -- Memorials, Retirement - Judge Bill Holt. by \*Huskey, \*Davis R, \*Roach.

**House Joint Resolution No. 185** -- Memorials, Public Service - Gordon Inman and Franklin National Bank. by \*Williams (Williamson).

**\*Senate Joint Resolution No. 50** -- General Assembly, Confirmation of Appointment - G.L. Teague, Tennessee Wildlife Resources Agency. by \*Atchley.

**Senate Joint Resolution No. 86** -- Naming and Designating - "Descendants Day!" last Sunday in June. by \*Henry.

**Senate Joint Resolution No. 156** -- Memorials, Death - James Baker. by \*Herron.

**Senate Joint Resolution No. 157** -- Memorials, Heroism - Merrell family. by \*Herron, \*Kyle, \*Herron.

**Senate Joint Resolution No. 159** -- Memorials, Retirement - Copeland Jared. by \*Burks.

**Senate Joint Resolution No. 161** -- Memorials, Academic Achievement - Jennifer Lutes. by \*Fowler.

**Senate Joint Resolution No. 163** -- Memorials, Sports - 1996-1997 Walter Hill School girls' basketball team. by \*Womack.



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Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Towns -- 1.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 1495** -- Criminal Offenses - Creates Class B felony offense of arson of a place of worship; enhances vandalism punishment if damage caused to place of worship; increases from \$5,000 to \$50,000 amount of money governor may offer as reward for information concerning criminal offense; and creates "Reward Pool Fund" to permit collection of private donations and gifts to enhance state offered reward. Amends TCA Title 39, Chapter 14, Part 3; Section 39-14-408 and Title 40, Chapter 8, Part 1. by \*Armstrong, \*DeBerry J., \*Pruitt, \*Turner (Shelby), \*Tindell, \*Kisber, \*Brown, \*Dunn, \*Huskey, \*Sargent, \*Ritchie, \*Bowers, \*DeBerry L., \*Chumney, \*McAfee, \*Wood, \*Stulce, \*Head, \*McDaniel, \*Burchett, \*Whitson, \*Sands, \*Brooks, \*Pleasant, \*Boner, \*Naifeh, \*Miller L., \*Hargrove, \*Armstrong, \*Davidson, \*Lewis, \*Stamps, \*Patton, \*Ford S., \*Fitzhugh. (\*SB585 by \*Gilbert, \*Atchley)

Rep. Armstrong moved that **House Bill No. 1495** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1456** -- Equalization Board - Provides for county board of equalization members from each of the four largest cities in counties with populations from 10,000 to 60,000, rather than two largest cities, as under present law. Amends TCA Section 67-1-401. by \*Jones U (Shelby), \*Kent, \*Cross, \*Turner (Shelby), \*Brooks. (\*SB1621 by \*Leatherwood, \*Person)

Rep. U. Jones moved that House Bill No(s). 1456 be reset for the Regular Calendar on Thursday, April 17, 1997, which motion prevailed.

**House Bill No. 1162** -- Public Records - Provides for confidentiality of certain data, proprietary information, or research information produced by state or higher education employees. Amends TCA Section 49-7-120. by \*Davidson, \*Winningham. (\*SB1282 by \*Womack)

Rep. Davidson moved that House Bill No. 1162 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1162 by deleting subsection (f) of the amendatory language of SECTION 1 in its entirety and by relettering subsequent subsections accordingly.

FURTHER AMEND by deleting from subsection (h) of the amendatory language of SECTION 1 of the printed bill the language "related to the research," and substituting instead the language "related to the research with the exception of data from human subject research,".

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved that **House Bill No. 1162**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

**House Bill No. 1127** -- Housing - Gives housing authority security officers law enforcement authority including right to carry weapon if meet POST commission standards Amends TCA Section 13-20-419. by \*Bowers, \*DeBerry J, \*Pruitt. (\*SB425 by \*Dixon)

On motion, House Bill No. 1127 was made to conform with **Senate Bill No. 425**; the Senate Bill was substituted for the House Bill.

Rep. Bowers moved that Senate Bill No. 425, be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Bowers moved that **Senate Bill No. 425**, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1107** -- Traffic Safety - Requires removal of vehicle involved in accident from controlled access highway if no personal injury, death or extensive property damage involved Amends TCA Title 55, Chapter 10. by \*McDonald, \*Williams (Williamson), \*Bowers, \*Pleasant, \*Haley, \*Hargett. (\*SB1327 by \*Graves, \*Springer, \*Davis L)

Rep. McDonald moved that House Bill No. 1107 be passed on third and final consideration.

Rep. McDonald moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1107 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, Part 1, is amended by adding the following new section:

(a) Notwithstanding any provision of law to the contrary, a motor vehicle involved in a traffic accident and the driver of such motor vehicle shall be subject to the provisions of this section.

(b) This section shall apply to any motor vehicle traffic accident which occurs on a divided, controlled access highway or interstate highway of this state.

(c) When a motor vehicle traffic accident occurs with no personal injury, death, or extensive property damage, the driver of each motor vehicle involved in such traffic accident, or any other occupant of any such motor vehicle who possesses a valid driver's license may remove the vehicle from the immediate confines of the roadway into a safe refuge on the shoulder, emergency lane, or median or to a place otherwise removed from the roadway whenever such moving of a vehicle may be done safely and the vehicle is capable of being normally and safely driven, does not require towing, and may be operated under its own power in its

customary manner without further damage or hazard to itself, to the traffic elements, or to the roadway. The driver of such motor vehicle may request any person who possesses a valid driver's license to remove such motor vehicle as provided in this section, and such person may comply with such request.

(d) The driver or any other person who has removed a motor vehicle from the main traveled way of the road as provided in subsection (c) before the arrival of a law enforcement officer shall not be considered liable or at fault regarding the cause of the accident solely by reason of moving the vehicle pursuant to this section.

(e) This section does not abrogate or affect a driver's duty to file any written report which may be required by law, but compliance with the requirements of this section does not allow a driver to be prosecuted for the failure to stop and immediately report a traffic accident.

(f) This section does not abrogate or affect a driver's duty to stop and give information in accordance with law, nor does it relieve a law enforcement officer of the officer's duty to render a report in accordance with law.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McDonald requested that House Bill No. 1107 be moved to the heel of the Calendar.

**House Bill No. 1825** -- Insurance, Health, Accident - Enacts "Tennessee Health Insurance Portability, Availability and Renewability Act." Amends TCA Title 56, Chapter 7. by \*Clabough, \*McDaniel, \*Davis R, \*Stamps, \*Pleasant, \*Mumpower, \*Boyer, \*Hargett, \*Haley, \*Beavers, \*Goins, \*Newton, \*Dunn, \*Sargent, \*Walker, \*Patton. (\*SB1699 by \*Fowler, \*McNally, \*Atchley, \*Elsea, \*Person, \*Gilbert, \*Leatherwood, \*Jordan, \*Miller J, \*Ramsey, \*Williams, \*Carter, \*Crowe, \*Koella, \*Dixon)

On motion, House Bill No. 1825 was made to conform with **Senate Bill No. 1699**; the Senate Bill was substituted for the House Bill.

Rep. Clabough moved that Senate Bill No. 1699, be passed on third and final consideration.

Rep. Clabough moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1699 by adding language in Section 10(c)(3)(A) after the word "form" and before the phrase "(as defined in subparagraph (C))" as follows: (as defined in subparagraph (B)) and a higher-level coverage policy form

On motion, Amendment No. 1 was adopted.

Rep. Clabough moved that **Senate Bill No. 1699**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 487** -- Crime, Victims of - Authorizes immediate family of victim, such as spouse, child, stepchild, parent, grandparent, or sibling, to witness execution of person convicted of killing victim in area separate from other witnesses or by a closed circuit television broadcast. Amends TCA Title 40, Chapter 23. by \*Burchett, \*Newton. (SB1151 by \*Haun)

On motion, House Bill No. 487 was made to conform with **Senate Bill No. 1151**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 1151, be passed on third and final consideration.

Rep. Kernell moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1151 by inserting between the word "stepchild," and the word "parent," in subdivision (7) of the amendatory language of Section 1 the word "stepparents,".

On motion, Amendment No. 1 was adopted.

Rep. Burchett moved that **Senate Bill No. 1151**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	1
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Cooper -- 1.

Representatives present and not voting were: Towns -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 202** -- Claims Commission, Tennessee - Provides for suspension of compensation for commissioners who fail to decide claims within 180 days after hearing or submission of affidavits Amends TCA Title 9, Chapter 8, by \*Kisber. (SB113 by \*Cooper)

Rep. Kisber moved that House Bill No. 202 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 202 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 8, Part 3, is amended by adding the following as a new, appropriately designated section:

Section \_\_\_\_\_. Upon the request of the governor, or of an individual claims commissioner as to claims within that commissioner's grand division, or of a majority of the claims commissioners as to claims within any grand division, the secretary of state may assign administrative law judges from the administrative procedures division of the secretary of state's office to assist in the removal of unacceptable congestion or delay on the claims commission docket. Upon such assignment, administrative judges shall have all the powers, duties and immunities as a regularly ointed claims commissioner. Costs associated with the assignment of appointed law judges to hear claims commission matters shall be paid from the claims award fund.

SECTION 2. Tennessee Code Annotated, Section 9-8-301(b), (c) and (d), are amended by deleting the subsections in their entireties and by substituting instead the following:

(b) For administrative purposes, the commission shall be attached to the treasury department. The administrative responsibilities of the commission shall be performed by the state treasurer, in consultation with the claims commission and under the oversight of the board of claims.

The state treasurer is authorized to delegate to the administrative clerk such of these responsibilities as he deems appropriate.

(c) The authority to appoint, terminate and control the staff of the commission shall rest with the state treasurer, provided that actions related to the appointment or termination of employees is subject to the approval of the board of claims.

(d) The employees shall not have civil service status but shall be subject to personnel policies and regulations which are applicable to employees of the treasury department, such as leave, compensation, classification and travel requests.

SECTION 3. Tennessee Code Annotated, Section 9-8-304(a), (b), and (c), are amended by deleting the subsections in their entireties and by substituting instead the following:

(a) The state treasurer, in consultation with the claims commission, shall appoint an administrative clerk to the claims commission. The administrative clerk, in consultation with the commission chairperson, shall schedule meetings of the commission.

(b) The administrative clerk, in consultation with the commission chairperson, shall docket proceedings and schedule hearings on claims. Each claim shall be assigned to the appropriate commissioner for the grand division in which the wrongful act occurred or in which the claimant lives; provided, the chairperson of the commission shall have the authority to assign cases arising in one grand division to a commissioner in another grand division if such is necessary to alleviate congestion, delay, or an



imbalance in caseloads among grand divisions. Each claim shall be heard in the grand division in which the wrongful act occurred or in which the claimant lives. The commission shall follow the law established for trial courts concerning opening proceedings to the public.

(c) The administrative clerk, in consultation with the state treasurer, is responsible for the day-to-day management of the commission's staff and such other activities as may be required including, but not limited to, reporting on the status of claims.

SECTION 4. Tennessee Code Annotated, Section 9-8-305, is amended by deleting the first line thereof and by substituting instead the following:

Each commissioner, and each administrative law judge assigned pursuant to this part, has the authority to:

SECTION 5. Tennessee Code Annotated, Section 9-8-305(1), is amended by deleting it in its entirety and by substituting instead the following:

(1) Hear and determine claims against the state falling with the categories enumerated in § 9-8-307.

SECTION 6. Tennessee Code Annotated, Section 9-8-403(a)(1), is amended by deleting the word "Commissioners" in the fourth sentence thereof and by substituting instead the words, figures and punctuation "Except as provided in subsection (a)(2) below, commissioners".

SECTION 7. Tennessee Code Annotated, Section 9-8-403(a)(2), is amended by adding the following new sentences at the end thereof:

If a hearing is held on any claim on the small claims docket, the commissioner shall dispose of such case by entering an appropriate order reflecting the commissioner's ruling. Such order shall not include findings of fact and conclusions of law unless requested by the claimant.

SECTION 8. Tennessee Code Annotated, Section 9-8-403, is amended by adding the following new subsection at the end thereof:

(I) The commission is encouraged to make oral decisions immediately after a hearing on any claim if the commission finds that further deliberation is unnecessary. If a case is disposed of by an oral ruling, counsel for the prevailing party shall prepare and submit an appropriate order reflecting such ruling. Such order shall include proposed findings of fact and conclusions of law if the claim was heard on the regular docket or if the claimant requested such findings and conclusions in a hearing on the small docket. Any orders prepared by counsel for the prevailing party shall be submitted to the adverse party for approval.

SECTION 9. Tennessee Code Annotated, Section 9-8-405, is amended by adding the following new subsection at the end thereof:

(c) By agreement of the parties, a mediator may be employed in an attempt to settle a claim. Such a claim still must be settled in accordance with subsection (a) of this section and/or § 20-13-103. Costs associated with alternative dispute resolution, as agreed to by the parties, shall be paid from the claims award fund.

SECTION 10. The comptroller of the treasury is directed to make a study of the workload and productivity of the claims commission, as well as the processes used by the commission in fulfilling its role in adjudicating claims filed against the state. In performing this study, the comptroller is to be assisted by the claims commission and such other state agencies as may be appropriate. The scope of this study does not include an examination of the substance of rulings of the individual commissioners. The comptroller is to report his findings and recommendations to the governor and general assembly no later than January 15, 1998. Costs associated with this study shall be paid from the claims award fund.

SECTION 11. Notwithstanding any provision of this act to the contrary, the autonomy of individual claims commissioners in performing their claims adjudication function shall be respected by the state treasurer and the board of claims. Nothing within this act shall be construed to give the state treasurer or board of claims authority to supervise or take any personnel actions with regard to the individual claims commissioners.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it; provided that, for purposes of implementation of the provisions of Sections 2 and 3 of this act regarding the administrative transfer of the claims commission, those sections shall become effective on July 1, 1997.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 202 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 8, Part 3, is amended by adding the following as a new, appropriately designated section:

Section \_\_\_\_\_. Upon the request of the governor, or of an individual claims commissioner as to claims within that commissioner's grand division, or of a majority of the claims commissioners as to claims within any grand division, the secretary of state may assign administrative law judges from the administrative procedures division of the secretary of state's office to assist in the removal of unacceptable congestion or delay on the claims commission docket. Upon such assignment, administrative law judges shall have all the powers, duties and immunities as a regularly appointed claims commissioner. Costs associated with the assignment of administrative law judges to hear claims commission matters shall be paid from the claims award fund.

SECTION 2. Tennessee Code Annotated, Section 9-8-301(b), (c) and (d), are amended by deleting the subsections in their entireties and by substituting instead the following:

(b) For administrative purposes, the commission shall be attached to the treasury department. The administrative responsibilities of the commission shall be performed by the state treasurer, in consultation with the claims commission and under the oversight of the board of claims.

The state treasurer is authorized to delegate to the administrative clerk such of these responsibilities as he deems appropriate.

(c) The authority to appoint, terminate and control the staff of the commission shall rest with the state treasurer, provided that actions related to the appointment or termination of employees is subject to the approval of the board of claims. The state treasurer shall consult with the members of the claims commission prior to taking any personnel action.

(d) The employees shall not have civil service status but shall be subject to personnel policies and regulations which are applicable to employees of the treasury department, such as leave, compensation, classification and travel requests.

SECTION 3. Tennessee Code Annotated, Section 9-8-304(a), (b), and (c), are amended by deleting the subsections in their entireties and by substituting instead the following:

(a) The claims commission, subject to the approval of the state treasurer, shall designate a commission employee to serve as administrative clerk to the claims commission. The administrative clerk, in consultation with the commission chairperson, shall schedule meetings of the commission.

(b) The administrative clerk, in consultation with the commission chairperson, shall docket proceedings and schedule hearings on claims. Each claim shall be assigned to the appropriate commissioner for the grand division in which the wrongful act occurred or in which the claimant lives; provided, the chairperson of the commission shall have the authority

to assign cases arising in one grand division to a commissioner in another grand division if such is necessary to alleviate congestion, delay, or an imbalance in caseloads among grand divisions. Each claim shall be heard in the grand division in which the wrongful act occurred or in which the claimant lives. The commission shall follow the law established for trial courts concerning opening proceedings to the public.

(c) The administrative clerk, in consultation with the state treasurer, is responsible for the day-to-day management of the commission's staff and such other activities as may be required including, but not limited to, reporting on the status of claims. In managing the affairs of the commission, the state treasurer shall consult with the claims commission.

SECTION 4. Tennessee Code Annotated, Section 9-8-305, is amended by deleting the first line thereof and by substituting instead the following:

Each commissioner, and each administrative law judge assigned pursuant to this part, has the authority to:

SECTION 5. Tennessee Code Annotated, Section 9-8-305(1), is amended by deleting it in its entirety and by substituting instead the following:

(1) Hear and determine claims against the state falling with the categories enumerated in § 9-8-307.

SECTION 6. Tennessee Code Annotated, Section 9-8-403(a)(1), is amended by deleting the word "Commissioners" in the fourth sentence thereof and by substituting instead the words, figures and punctuation "Except as provided in subsection (a)(2) below, commissioners".

SECTION 7. Tennessee Code Annotated, Section 9-8-403(a)(2), is amended by adding the following new sentences at the end thereof:

If a hearing is held on any claim on the small claims docket, the commissioner may dispose of such case by entering an appropriate order reflecting the commissioner's ruling. Except as required by Section 29-13-109, such order shall not include findings of fact and conclusions of law unless requested by the claimant.

SECTION 8. Tennessee Code Annotated, Section 9-8-403, is amended by adding the following new subsection at the end thereof:

(l) The commission is encouraged to make oral decisions immediately after a hearing on any claim if the commission finds that further deliberation is unnecessary. If a claim is disposed of by an oral ruling, counsel for the prevailing party shall prepare and submit an appropriate order reflecting such ruling. Such order shall include proposed findings of fact and conclusions of law if the claim was heard on the

regular docket or if the claimant requested such findings and conclusions in a hearing on the small docket. Any orders prepared by counsel for the prevailing party shall be submitted to the adverse party for approval.

SECTION 9. Tennessee Code Annotated, Section 9-8-405, is amended by adding the following new subsection at the end thereof:

(c) By agreement of the parties, a mediator may be employed in an attempt to settle a claim. Such a claim still must be settled in accordance with subsection (a) of this section and/or § 20-13-103. Costs associated with alternative dispute resolution, as agreed to by the parties, shall be paid from the claims award fund.

SECTION 10. The comptroller of the treasury is directed to make a study of the workload and productivity of the claims commission, as well as the processes used by the commission in fulfilling its role in adjudicating claims filed against the state. In performing this study, the comptroller is to be assisted by the claims commission and such other state agencies as may be appropriate. The scope of this study does not include an examination of the substance of individual commissioners. The comptroller is to report his findings and recommendations to the governor and general assembly no later than January 15, 1998. Costs associated with this study shall be paid from the claims award fund.

SECTION 11. Notwithstanding any provision of this act to the contrary, the autonomy of individual claims commissioners in performing their claims adjudication function shall be respected by the state treasurer and the board of claims. Nothing within this act shall be construed to give the state treasurer or board of claims authority to supervise or take any personnel actions with regard to the individual claims commissioners.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it; provided that, for purposes of implementation of the provisions of Sections 2 and 3 of this act regarding the administrative transfer of the claims commission, those sections shall become effective on July 1, 1997.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved that **House Bill No. 202**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....96  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 787** -- Crime, Victims of - Includes terrorism abroad as compensable criminal injury; limits one convicted of federal offense from receiving award under Criminal Injuries Compensation Act. Amends TCA Section 29-13-104; Section 29-13-105 and Section 29-13-109(d). by \*McMillan. (\*SB594 by \*Kyle)

Pursuant to Rule No. 72, House Bill 787 was re-referred to the Finance Ways & Means Committee.

**House Bill No. 1063** -- Custody and Support - Clarifies that gender of party seeking custody of child does not constitute factor relative to party's fitness to parent. Amends TCA Section 36-6-101. by \*McMillan, \*Kernell, \*Maddox, \*Jones, S. (\*SB745 by \*Cohen)

Rep. McMillan moved that House Bill No. 1063 be passed on third and final consideration.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. McMillan moved that **House Bill No. 1063** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....95  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1062** -- Custody and Support - Requires that certain parental rights be incorporated into prior orders of court. Amends TCA Title 36, Chapter 6 and Section 49-6-902. by \*McMillan. (\*SB746 by \*Cohen)

Rep. McMillan moved that House Bill No. 1062 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1062 by deleting from the amendatory language of Section 1(3)(F) the words "free of derogatory remarks" and by substituting instead the words "free of unwarranted derogatory remarks".

On motion, Amendment No. 1 was adopted.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1062 by deleting from Section 1(3) the words "shall grant to each parent the following rights" and by substituting instead the words "shall grant to each parent at least the following rights".

On motion, Amendment No. 2 was adopted.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1062 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 3 was adopted.

Rep. McMillan moved that **House Bill No. 1062**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
 Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 1730** -- Education - Authorizes spouse and family member of principal, teacher and other school administrative employee to participate in bids for school contracts if principal, teacher or school administrative employee does not have discretion in selection of bids or specifications. Amends TCA Section 49-6-2003. by \*Sands. (\*SB1785 by \*Jordan)

Rep. Sands moved that **House Bill No. 1730** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
 Noes .....0  
 Present and not voting .....3

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Beavers, Brooks, Turner (Shelby) -- 3.

A motion to reconsider was tabled.

**House Bill No. 1335** -- Pardons and Paroles - Changes from three to four number of parole board members who must concur relative to parole, parole denial, parole revocation or parole rescission. Amends TCA Section 40-28-105. by \*Boner, \*Jones, S., \*Odom. (\*SB487 by \*Haynes)



Rep. Boner moved that House Bill No. 1335 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1335 by deleting all of the language following the enacting clause of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-28-105(d), is amended by deleting the language "No person shall be paroled nor shall the parole of any person be denied, revoked or rescinded without the concurrence of three (3) board members", and inserting the following language:

No person shall be paroled nor shall the parole of any person be denied or rescinded without the concurrence of three (3) board members, except that the concurrence of four (4) board members shall be required for convictions of the following offenses: First degree murder as defined by TCA 39-13-204; Aggravated arson as defined by TCA 39-14-302; Aggravated child abuse and neglect (child age 6 or less) as defined by TCA 39-15-402; Aggravated rape as defined by TCA 39-13-502; Aggravated vehicular homicide as defined by TCA 39-13-218; Attempted first degree murder as defined by TCA 39-11-117; Conspiracy to commit first degree murder as defined by TCA 39-11-117; Especially aggravated kidnapping as defined by TCA 39-13-305; Especially aggravated robbery as defined by TCA 39-13-403; Rape of a child as defined by TCA 39-13-522; Second degree murder as defined by TCA 39-13-310; Adulteration of foods, liquids, or pharmaceuticals (serious bodily injury or death) as defined by TCA 39-17-107; Aggravated child abuse or neglect (child age 6 or above) as defined by TCA 39-15-402; Aggravated kidnapping as defined by TCA 39-13-304; Aggravated sexual battery as defined by TCA 39-13-504; Aggravated sexual exploitation of a minor (obscene) as defined by TCA 39-17-1004(b); Especially aggravated burglary as defined by TCA 39-14-404; Especially aggravated sexual exploitation of a minor as defined by TCA 39-17-1005; Rape as defined by TCA 39-13-503; Solicitation to commit first degree murder as defined by TCA 39-11-117; Vehicular homicide by intoxication as defined by TCA 39-13-213; Aggravated assault as defined by TCA 39-13-102; Spousal assault as defined by TCA 39-13-507(b); Vehicular homicide as defined by TCA 39-13-213; Voluntary manslaughter as defined by TCA 39-13-211; assault as defined by TCA 39-13-106; and any other offense for which the punishment is life imprisonment. The parole of any person may not be revoked without the concurrence of two (2) board members.

SECTION 2. This act shall take effect January 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Boner moved that **House Bill No. 1335**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....96  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1332** -- Domestic Violence - Makes violation of domestic violence order of protection or court-approved consent agreement Class A misdemeanor rather than contempt of court Amends TCA Title 36, Chapter 3, Part 6. by \*Boner, \*Chumney. ( by \*Haynes)

Rep. Boner moved that House Bill No. 1332 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1332 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 36-3-610, is amended by deleting subsections (b) and (c) in their entireties and by substituting instead the following:

(b) In addition to contempt as provided in subsection (a), it is an offense to knowingly violate an order of protection or a court-approved consent agreement.

(c) In addition to the punishment authorized by this section, the judge may assess any person who violates an order of protection or a court-approved consent agreement a civil penalty of fifty dollars (\$50.00). The judge may further order that any support payment made pursuant to an order of protection or a court-approved consent agreement be made under an income assignment of the clerk of the court.

(d) Upon collecting the civil penalty imposed by subsection (c), the clerk shall, on a monthly basis, send the money to the state treasurer, who shall deposit it in the domestic violence community education fund created by § 36-3-616.

(e) A violation of subsection (b) is a Class A misdemeanor if the defendant violates those provisions within an order of protection or court-approved consent agreement granted for the purpose of protecting the petitioner or the petitioner's minor children from abuse or threatened abuse.

Section 2. Tennessee Code Annotated, Section 36-3-612, is amended by deleting the language "A person arrested for this part" and by substituting instead the language "A person arrested for violation of a protective order under § 36-3-610(a)".

Section 3. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Boner moved that **House Bill No. 1332**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1107** -- Traffic Safety - Requires removal of vehicle involved in accident from controlled access highway if no personal injury, death or extensive property damage involved Amends TCA Title 55, Chapter 10. by \*McDonald, \*Williams (Williamson), \*Bowers, \*Pleasant, \*Haley, \*Hargett. (\*SB1327 by \*Graves, \*Springer, \*Davis L)

Further consideration of House Bill No. 1107, previously considered on today's Calendar, at which time the House adopted Amendment No. 1.

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Rep. McDonald moved that House Bill No. 1107, as amended, be passed on third and final consideration.

Rep. Langster moved the previous question, which motion prevailed.

Rep. McDonald moved that **House Bill No. 1107**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	79
Noes .....	8
Present and not voting .....	7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Fitzhugh, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Phelan, Pinion, Pleasant, Pruitt, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Buck, Cross, Eckles, Head, Lewis, Phillips, Rhinehart, Turner (Hamilton) -- 8.

Representatives present and not voting were: Clabough, Ferguson, Ford, Jackson, McMillan, Patton, Tidwell -- 7.

A motion to reconsider was tabled.

## UNFINISHED BUSINESS

### BILLS WITHDRAWN

On motion of Rep. Halteman Harwell, **House Bill No. 1252** was withdrawn from the House.

### RULES SUSPENDED

Rep. L. DeBerry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 186 out of order, which motion prevailed.

**House Joint Resolution No. 186** -- Memorials, Recognition and Thanks - Reverend Milton Brunson and Thompson Community Choir. by \*DeBerry L.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. L. DeBerry, the resolution was adopted.

**MONDAY, APRIL 14, 1997 -- TWENTY-NINTH LEGISLATIVE DAY**

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. L. DeBerry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 187 out of order, which motion prevailed.

**House Joint Resolution No. 187** -- Memorials, Death - Reverend Milton Brunson. by \*DeBerry L.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. L. DeBerry, the resolution was adopted.

A motion to reconsider was tabled.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to the suspension of Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on April 16, 1997:

**House Bill No. 345:** by Rep. Pruitt

**House Bill No. 904:** by Rep. Fitzhugh

**House Bill No. 923:** by Rep. Fraley

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 356:** Rep(s). Naifeh and Walley as prime sponsor(s).

**House Bill No. 697:** Rep(s). S. Jones as prime sponsor(s).

**House Bill No. 787:** Rep(s). Brooks, Sands and Jackson as prime sponsor(s).

**House Bill No. 1405:** Rep(s). Boner as prime sponsor(s).

**House Bill No. 1588:** Rep(s). Ridgeway as prime sponsor(s).

**MESSAGE FROM THE GOVERNOR**

**April 14, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 24, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

**April 14, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 40, 145, 146, 148, 149, 150, 153, 156 and 159, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**ENROLLED BILLS**

**April 14, 1997**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 4, 413, 542, 663, 924, 1020, 1059, 1231, 1302, 1578, 1955 and 1957; House Joint Resolution(s) No(s). 181 and 184; also, House Resolution(s) No(s). 54.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 14, 1997**

The Speaker signed the following: House Bill(s) No(s). 4, 413, 542, 663, 924, 1020, 1059, 1231, 1302, 1578, 1955 and 1957; House Joint Resolution(s) No(s). 181 and 184; also, House Resolution(s) No(s). 54.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 14, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1151; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 1151** -- Crime, Victims of - Authorizes immediate family of victim, such as spouse, child, stepchild, parent, grandparent, or sibling, to witness execution of person convicted of killing victim in area separate from other witnesses or by a closed circuit television broadcast. Amends TCA Title 40, Chapter 23. by \*Haun.

**MESSAGE FROM THE SENATE**  
**April 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 162, 163 and 164; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 603, 835, 1425, 1615, 1926 and 1942; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 14, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1621; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1621** -- Equalization Board - Provides for county board of equalization members from each of the four largest cities in counties with populations from 10,000 to 60,000, rather than two largest cities, as under present law. Amends TCA Section 67-1-401, by \*Leatherwood, \*Person.

**MESSAGE FROM THE SENATE**  
**April 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 830 and 961; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 14, 1997**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 253. The Senate concurred in House Amendment No. 3 and nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 4, 413, 542, 663, 924, 1020, 1059, 1231, 1302, 1578, 1955 and 1957; also, House Joint Resolution(s) No(s). 181 and 184; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 14, 1997**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 202, 560, 1062, 1063, 1106, 1107, 1162, 1259, 1332, 1335, 1495, 1658, 1730, 1791, 1960, 1962, 1963 and 1966, also, House Joint Resolution(s) No(s). 183, 185, 186 and 187.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 14, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 164, 166, 167 and 168; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 164** -- Memorials, Sports - 1996 Riverdale High School football team. by \*Womack.

**Senate Joint Resolution No. 166** -- Memorials, Death - Orion C. Key. by \*Rochelle.

**Senate Joint Resolution No. 167** -- Memorials, Academic Achievement - Karla Lynn Robinson, Valedictorian, Trousdale County High School. by \*Rochelle.

**Senate Joint Resolution No. 168** -- Memorials, Academic Achievement - Tori Tucker, Salutatorian, Trousdale County High School. by \*Rochelle.

**MESSAGE FROM THE SENATE**

**April 14, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 7, 30, 433, 509, 520, 603, 736, 768, 800, 964, 1095, 1276, 1405, 1565, 1575, 1685 and 1705; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 7** -- Driver Licenses - Prohibits issuance of restricted commercial driver license for operating school bus. Amends TCA Title 55, Chapter 50. by \*Henry, \*Davis L, \*Williams, \*Haynes.



**MONDAY, APRIL 14, 1997 -- TWENTY-NINTH LEGISLATIVE DAY**

**\*Senate Bill No. 30** -- Criminal Procedure - Prohibits television or video cameras in courtrooms during criminal trials if cameras are to be used for televising or broadcasting trial. by \*Koella.

**\*Senate Bill No. 433** -- Surveyors - Sets licensing requirements for land surveyors beginning July 1, 2003. Amends TCA Section 62-18-109. by \*Haynes.

**\*Senate Bill No. 509** -- Medical Occupations - Authorizes the Tennessee Ambulance Services Association to nominate 2 operators of ambulance services who maintain certification as EMT or EMT-P to serve upon the emergency medical services board. Amends TCA Title 68, Chapter 140, Part 5. by \*Springer.

**\*Senate Bill No. 520** -- Veterinarians - Expands lien so that animal considered abandoned when vet determines that address and telephone number given by owner are false. Amends TCA Section 63-12-134. by \*Rochelle.

**\*Senate Bill No. 603** -- Massage - Corrects typographical error in definition of "Massage/bodywork/somatic" contained in Chapter 480 of the Public Acts of 1995. Amends TCA Section 63-18-202(3). by \*Henry.

**\*Senate Bill No. 736** -- Osteopathy - Prohibits boards, commissions, health care facilities, health and medical corporations and insurance companies from discriminating against eligible osteopathic physicians in certain circumstances. Amends TCA Section 63-9-106. by \*Kyle.

**\*Senate Bill No. 768** -- Mortgages - Mortgages - Makes Fannie Mae an authorized lender under Home Equity Conversion Mortgage Act. Amends TCA Title 47, Chapter 30. by \*Atchley.

**Senate Bill No. 800** -- Workers' Compensation - Requires all subcontractors and employers in construction industry to carry workers' compensation insurance without regard to five employee threshold. Amends TCA Title 50, Chapter 6. by \*Person.

**Senate Bill No. 964** -- Minority Affairs - Enacts "Tennessee Minority Business Councils Cooperation Act of 1997.". by \*Ford J, \*Harper.

**Senate Bill No. 1095** -- Insurance, Motor Vehicles - Considers foreign exchange student in same way as natural child under adult's motor vehicle insurance coverage. Amends TCA Title 56. by \*Rochelle.

**\*Senate Bill No. 1276** -- Highways, Roads and Bridges - Requires department of transportation to study ways to ease congestion on urban highways. Amends TCA Title 54. by \*Harper.

**Senate Bill No. 1405** -- Private Protective Services - Revises possible fines for violations of private protective laws from \$5,000 to \$2,000; requires training to be conducted within 60 rather than 30 days of hire; authorizes unarmed security guards to carry mace. Amends TCA Title 62, Chapter 35, Part 1. by \*Henry.

**MONDAY, APRIL 14, 1997 -- TWENTY-NINTH LEGISLATIVE DAY**

**\*Senate Bill No. 1565** -- District Attorneys - Increases compensation for criminal investigators for district attorneys general. Amends TCA Section 8-7-201. by \*Crutchfield.

**\*Senate Bill No. 1575** -- Real Estate Agents and Brokers - Requires real estate appraisers to undergo two years of service as real estate appraiser trainee. Amends TCA Section 62-39-304. by \*Rochelle.

**Senate Bill No. 1685** -- Taxes, Sales - Allows purchasers to take sales and use tax credits from pollution control equipment purchases as refunds or apply to tax exempt purchases. Amends TCA Section 67-6-346. by \*Gilbert, \*Elsea, \*McNally, \*Atchley, \*Person, \*Jordan, \*Koella, \*Haun, \*Carter, \*Ramsey, \*Leatherwood, \*Gilbert, \*Miller J, \*Fowler.

**\*Senate Bill No. 1705** -- Culture - Enacts "Office of Film, Music & Multimedia Industries Act of 1997." Amends TCA Title 4, Chapter 3. by \*Jordan, \*McNally, \*Atchley, \*Elsea, \*Person, \*Miller J, \*Ramsey, \*Williams, \*Carter, \*Crowe, \*Koella, \*Fowler, \*Cohen.

**ROLL CALL**

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

**RECESS MOTION**

On motion of Rep. Hargrove, the House recessed until 2:00 p.m., Wednesday, April 16, 1997.